

**Special Education Advisory Panel Meeting Minutes**  
Office of Public Instruction  
1300 11th Avenue Conference Room, Helena  
April 30-May 1, 2009

Members in Attendance: Terry Galle, Carroll DeCouteau, Tim Norbeck, Pam Campbell, Sharon Lindstrom, Rena Steyaert (Friday), Samantha Hendricks, Ken Miller (Thursday p.m. and Friday a.m.), Betsy Stimatz, Dustin Shipman, Mark Thatcher (Thursday), Jackie Emerson (Friday), Dave Mahon (Friday)

Excused Members: Ken Miller (Thursday a.m.), Jackie Emerson (Thursday), Wanda Grinde, Dave Mahon (Thursday), Denise Herman, Mark Thatcher (Friday), Susan Gunn, Rena Steyaert (Thursday)

Non-Members in Attendance: Tim Harris, Bob Runkel, Dick Trerise, Nikki Sandve, Floy Scott, Anne Rainey, Karen Crogan, Marlene Wallis, BJ Granbery, Lynn Hinch

**Thursday, January 15, 2009**

Chairperson Terry Galle called the meeting to order at 8:30 a.m. The Panel members and guests introduced themselves. Chairperson Galle requested that the Panel members review the Proposed Agenda and the Minutes of January 15-16, 2009. Action on the agenda and minutes will take place on Friday when a quorum is present.

**OPI Report**

**Announcements**

Dick Trerise reminded the Panel members that the Joint Meeting with the CSPD State Council will be held at the Red Lion Colonial, 2301 Colonial Drive, Natatorium Room, at 1:00 p.m.

**Legislative Report**

Bob Runkel brought the Panel up to date on the legislative session.

The overall budget provides for a 3 percent increase in the basic entitlement and per-ANB entitlements in each year of the 2011 biennium. Bob noted that the special education payment is funded at the same level as FY 2009. Agricultural Education program was allocated additional funds to implement national standards in agricultural education. The audiology contracts received a biennial increase of \$55,483 to cover inflationary costs of providing audiology services.

### Division Personnel Report

Tim Harris introduced Karen Crogan, IDEA Data and Accountability Specialist. Karen joined the Special Education Division in April. Previously, Karen was the Data Control Specialist for the Division of Accreditation.

Tim also noted that Sara Casey has transferred from the Division of School Improvement to the IDEA Professional Development Division. Sara is the Program Improvement Specialist for the IDEA Professional Development Division.

### Parental Revocation of Consent—Administrative Rule Change Up-date

Dick Trerise distributed a handout regarding an Administrative Rule Change for Parental Revocation of Consent.

The revision to Section 300.300 (b)(4)—Parental Consent reads as follows:

"(4) If, at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the public agency—

- (i) May not continue to provide special education and related services to the child, but must provide prior written notice in accordance with Section 300.503 before ceasing the provision of special education and related services;
- (ii) May not use the procedures in subpart E of this part (including the mediation procedures under Section 300.506 or the due process procedures under Sections 300.507 through 300.516) in order to obtain agreement or a ruling that the services may be provided to the child;
- (iii) Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and
- (iv) Is not required to convene an IEP Team meeting or develop an IEP under Sections 300.320 and 300.324 for the child for further provision of special education and related services."

Dick informed the Panel that the Division of Special Education has drafted an official notice from the parent to the school district for "Revocation (withdrawal) of Consent for Services" and the "Prior Written Notice—Revocation of Consent." The notices provide guidance to school districts.

### Stimulus Package Discussion

Tim Harris informed the Panel that the Stimulus funds will be distributed the same way as regular IDEA Part B funds allocations. Tim distributed a letter written to the Office of Special

Education Programs by the OPI with comments on the April 2009 document titled *Guidance, Funds for Part B of the Individuals with Disabilities Education Act Made Available Under the American Recovery and Reinvestment Act of 2009*. A copy of the document is included with the minutes.

The letter states that the OPI believes that the OSEP is in error in its guidance to states when it interpreted provisions of law to mean that an SEA must prohibit an LEA from taking advantage of the MOE reduction under IDEA section 6139a)(2)(C) if the LEA's determination is Needs Assistance, Needs Intervention, or Needs Substantial Intervention. Other concerns involve Levels of Determination and limitation on the ability to reduce Fiscal Effort.

#### Achievement in Montana (AIM)—Student Information System Roll-Out

Dick Trerise noted that the rollout of the Special Education Module of the AIM system began in February 2009. The first week in May the spring trainings will conclude. The trainings will start again in September 2009 and will conclude in November 2009.

#### Joint Meeting with CSPD State Council

The Panel met in a joint meeting with the CSPD members. John Copenhaver, Center for Technical Assistance in Special Education, Utah State University, facilitated the meeting. The meeting agenda included: Regional CSPD Activities and the Relationship with the Special Education Annual Performance Report; Regional and National Hot Topics in Special Education; Small Group Discussions and Recommendations on How the Special Education Panel and the CSPD Council Can Impact the Positive use of IDEA Stimulus Money. Other presentations were: IDEA Supplemental Regulations to 34 CFR Part 300; Section 504; Response to Intervention (RTI); History of the *No Child Left Behind Act of 2001 (NCLB)*; Attention Deficit Hyperactivity disorder; Confidentiality and Privacy Relating to Student Records and Information; Continuous Improvement in Special Education.

#### Friday, May 1, 2009

Chairperson Galle called the meeting to order at 8:30. There were no announcements.

#### Title I State Review

BJ Granbery, Administrator, Education Opportunity and Equity, presented an overview of Title I. She informed the Panel that the *No Child Left Behind Act of 2001 (NCLB)* reauthorized the Elementary and Secondary Education Act (ESEA). This is the main federal law affecting education from K-12. President Bush proposed the law shortly after his inauguration and NCLB was signed into law on January 8, 2008.

BJ told the Panel that students eligible for services are those residing in participating public school Title I, Part A, attendance area and failing, or most at risk of failing to meet high standards; selection is made on the basis of multiple, educationally related, objective criteria;

private school children chosen to be served are from lists that the private/nonpublic school provides of eligible students.

BJ distributed a handout regarding the *American Recovery and Reinvestment Act of 2009, Title I, Part A, Recovery Funds for Grants to Local Education Agencies*. The handout covers the overall goals of the ARRA for Title I, Part A; Process of Awarding Title I, Part A, Recovery Funds; LEA Eligibility for Title I, Part A, Recovery Funds; Reservation of Title I, Part A, Recovery Funds; Uses of Title I, Part A, Recovery Funds; Invitation for Waivers; Fiscal Issues; and Accountability Principles. A copy of the handout is included with the minutes.

A memorandum regarding *Notifications to Parents on Highly Qualified Teacher (HQT) Status as Required by the Federal No Child Left Behind Act (NCLB)* was distributed to the Panel members. This memorandum informs districts of data that must be collected and returned to the OPI by January 20, 2009. It also notes the section of the regulations that states that districts receiving Title I, Part A, funds must notify parents of certain information regarding the professional qualifications of the student's classroom teachers. A copy of the memorandum is included with the minutes.

### **Action Items**

Following review of the Proposed Agenda and the Minutes of the January 15-16, 2009, meeting, Chair Galle asked for motions to approve the Proposed Agenda and the Minutes.

Dave Mahon moved to accept the Proposed Agenda, Rena Steyaert seconded the motion, the motion passed.

Pam Campbell moved to accept the Minutes of the January 15-16, 2009, meeting, Dustin Shipman seconded the motion, the motion passed and the minutes were accepted as written.

Floy Scott discussed two changes in procedures: Change in Calculating Significant Disproportionality and Change in Child Count Date to Align with Fall Enrollment Count.

Following the discussion, Dustin Shipman moved to support the Change in Calculating Significant Disproportionality, Dave Mahon seconded the motion and the motion passed.

Mark Thatcher moved to support the Change in Child Count Date to Align with Fall Enrollment Count, Pam Campbell seconded the motion and the motion passed.

### **SPP/APR Final Submission Discussion**

Tim Harris reported on the final SPP/APR submission. He distributed a handout indicating "Monitoring Priorities and Indicators, Status of APR Data/SPP Revision Issues." The handout shows that Montana met its FFY 2007 target in the majority of the indicators. A copy of the handout is included with the minutes.

### **Call for Public Comments**

There were no public comments.

### **Additional Items**

#### **Meeting Dates**

The final Panel meeting for this year is scheduled for June 18-19, 2009.

#### **Panel Agenda Items**

Levels of Determination

Disproportionality

Panel Membership

### **Adjourn**

The meeting adjourned at 11:30 a.m.